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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/581,299

07/25/2006

Anders Brahme

1503-1055-1

3701

466

7590

09/26/2008

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EXAMINER

SAHU, MEENAKSHI S

ART UNIT

PAPER NUMBER

2881

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/581,299 | Applicant(s) BRAHME, ANDERS | |
| | Examiner MEENAKSHI S. SAHU | Art Unit 2881 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Preliminary amendments filed June 1, 2006 are noted.
2. Cancellation of claims 1 to 10 and addition of new claims 11 to 24 are noted.

Claim Objections

3. Claims 13, 14 and 22 are objected to because of the following informalities: the term "radiationshielding" should read radiation-shielding. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 to 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takanaka (US5,349,198) in view of Ott (US 5,433,693).

Regarding claims 11 to 15, 19, 20 and 22, Takanaka discloses a radiation system comprising: a gantry comprising: a static gantry part; and a movable gantry part

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movably supported by said static gantry part [Figs 1 and 2] - a radiation head mechanically supported by said movable gantry part and being movable relative said static gantry part in a dedicated spacing in a radiation-shielding separating member between a first position for directing a radiation beam into a first treatment room and a second position for directing said radiation beam into a second treatment room [col 3 lines 12 to 55, col 4 lines 22 to 37], said separating member separating at least said first treatment room and said second treatment room [Fig 2 – the walls shown separating the various beam utilization rooms].

Takanaka fails to explicitly disclose a movable radiation shielding being a part of said movable gantry part and preventing radiation from reaching said second treatment room when said radiation head is in said first position and preventing radiation from reaching said first treatment room when said radiation head is in said second position.

However Ott teaches a movable radiation shielding for patient treatment rooms in a radiation therapy system and shielding for the ceiling, room walls, and for the vertically slidable shielding shutters to close the beam tubes [abstract, Fig 1, col 5 lines 32 to 45].

Given the teachings of Ott, it would be obvious to one of ordinary skill in the art at the time the invention was made to include a movable radiation shield for the patient rooms.

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Doing so would improve the radiation safety in the patient treatment facility.

Regarding claims 16 to 18 and 23, Takanaka discloses supplying a beam to a plurality of beam utilization rooms with a simulation head that can be directed to the various treatment rooms [col 4 lines 22 to 37].

Regarding claims 21 and 24, Takanaka discloses a radiation beam splitter [col 3 lines 20 to 55].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEENAKSHI S. SAHU whose telephone number is (571)270-3101. The examiner can normally be reached on Monday - Friday 8AM - 5PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jack I. Berman/
Primary Examiner, Art Unit 2881

/Meenakshi S Sahu/
Examiner, Art Unit 2881